

## REMARKS

By the foregoing Amendment, Claims 1-3 have been amended, Claims 4 and 5 have been cancelled, and new Claim 6 has been added. Favorable reconsideration of the application is respectfully requested.

The Examiner initially indicated that a certified copy of the priority document MI 99A000521 had not been filed. However, the Notification of Missing Requirements dated March 27, 2002, indicated that the priority document had been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office. It is therefore believed that the requirement for filing of the priority document has been fulfilled. A copy of the Notification of Missing Requirements dated March 27, 2002 is attached for the Examiner's reference.

The Examiner objected to the drawings as not showing the feature of micropumps recited in Claim 5, which has now been cancelled. It is therefore believed that the objection to the drawings on these grounds can now be withdrawn.

Claims 3-5 were rejected under 35 U.S.C. 112, second paragraph, on the grounds of indefiniteness, in view of conflicting recitation of a mask alone in Claim 1 and a combination of a mask and a source of pressurized air in Claims 4 and 5, and conflicting language within Claim 3. Claims 4 and 5 have been cancelled, so that Claims 1-3 now clearly relate to the mask alone. Claim 3 has now been amended to eliminate the limitation of one of the chambers being inside the other, so that it is believed that the rejection of Claims 3-5 on the grounds of indefiniteness can be withdrawn.

Claims 1-5 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Bennett, disclosing an oronasal face mask with a pneumatic sealing cuff. The Examiner referred to Fig. 7 as revealing at least one first chamber and at least one second chamber which could be connected separately to a source of pressurized air. The Examiner's attention is directed to Bennett at column 4, lines 1-15, disclosing a single chamber 34 having a pair of contact ridges 36 separated by a support rib 38. As pointed out at column 5 at line 26, the support rib 38 can contact the opposite wall of the chamber 34, as shown in Fig. 7, but the two regions of the chamber 34 separated by the support rib 38 are still connected, and the deformation shown in Fig. 7 causes the chamber 34 to expand as shown in Fig. 8 and described at column 5, lines 37-40. As is shown in Figs. 2 and 4 and described at column 4, lines 31-33, the chamber 34 has a single inlet 42, not separate connectors to separate chambers as is recited in Claims 1 and 6.

Claim 1 recites "said at least one first chamber having a first connector connectable to a source of pressurized air, and said at least one second chamber having a second connector connectable to the source of pressurized air, and said second chamber capable of being inflated separately from said first chamber." Claim 6 similarly recites "said first chamber having a first connector connectable to a source of pressurized air, and said second chamber having a second connector connectable to the source of pressurized air; and alternately inflating said first chamber while pressure in said second chamber is released, and inflating said second chamber while pressure in said first chamber is released." It is respectfully submitted that Bennett does not teach, disclose or suggest a first chamber having a first connector connectable to a source of pressurized

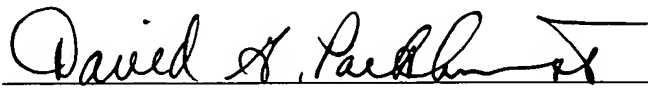
air, and a second chamber having a second connector connectable to the source of pressurized air, and the second chamber being capable of being inflated separately from the first chamber, as is claimed, and that Claims 1-3 and 6 are novel and inventive over Bennett. It is therefore respectfully submitted that the rejection on the grounds of anticipation by Bennett as it pertains to Claims 1-3 and 6 should be withdrawn.

Applicant has reviewed the additional prior art made of record and not relied upon, and it is believed that the additional prior art made of record and not relied upon is no more pertinent than the reference actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

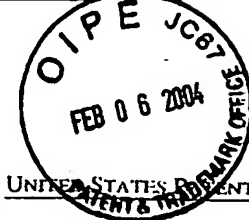
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DGP/rvw

Encls.: Return Postcard

Copy of Notification of Missing Requirements dated March 27, 2002

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371 FORMALITIES LETTER



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*Response Due May 27, 2002***NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

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PART 1 - ATTORNEY/APPLICANT COPY

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FORM PCT/DO/EO/905 (371 Formalities Notice)